

Notice of Allowability

Application No.

10/669,857

Applicant(s)

MILES, CARL F.

Examiner

Art Unit

Matt Luby

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 6/28/05.
2. ☒ The allowed claim(s) is/are 8-14.
3. ☒ The drawings filed on 01/04/05 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The after-final amendment filed June 28, 2005 was non-compliant for the sole reason that a listing of the status identifiers of all the claims (including the cancelled claims 1-7) was not provided. A compliant version of the claims is listed below with the correct status identifiers of all of the claims.

1. (cancelled)

2. (cancelled)

3. (cancelled)

4. (cancelled)

5. (cancelled)

6. (cancelled)

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7. (cancelled)

8. (previously presented) A motorcycle and exhaust pipe protector for a user of a motorcycle comprising:

a motorcycle which is movable in fore-and-aft directions;

a user footrest mounted to the motorcycle and extending in a lateral direction away from the motorcycle;

an engine exhaust pipe on said motorcycle extending adjacent the footrest and further extending in the aft direction behind the footrest;

an elongate rod; and

means for mounting the rod to the motorcycle at a position between the footrest and the motorcycle and at an elevation above the footrest;

the rod positioned to extend longitudinally in the fore-and- aft direction.

9. (previously presented) A motorcycle and exhaust pipe protector for a user of a motorcycle comprising:

a motorcycle which is movable in fore-and-aft directions;

a user footrest mounted to the motorcycle and extending in a lateral direction away from the motorcycle;

an engine exhaust pipe on said motorcycle extending adjacent the footrest and further extending in the aft direction behind the footrest;

an elongate rod;

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a bracket for mounting the rod to the footrest at a position between the footrest and the motorcycle and at an elevation above the footrest;

the rod positioned to extend longitudinally in the fore-and- aft direction;

the rod having a bent aft portion, bent in a vertical direction substantially orthogonal to the fore-and-aft direction;

the bent aft portion positioned directly aft of the footrest.

10. (previously presented) The protector according to claim 9 wherein the rod further includes a bent fore portion bent toward the motorcycle.

11. (previously presented) A motorcycle and exhaust pipe protector for a user of a motorcycle comprising:

a motorcycle which is movable in fore-and-aft directions;

the motorcycle having a frame;

a user footboard extending in a lateral direction away from the motorcycle;

a footboard bracket for mounting the footboard to the motorcycle;

a bolt for mounting the footboard bracket to the frame of the motorcycle;

an engine exhaust pipe on said motorcycle extending adjacent the footboard further extending in the aft direction behind the footrest;

an elongate rod having a longitudinal axis;

a bracket for mounting the rod to the frame of the motorcycle;

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the bracket having a depending leg portion having one end joined to the elongate rod in depending relation and a tubular member mounted to a distal end of the leg portion and extending in a direction orthogonal to the longitudinal axis of the elongate rod;

the tubular member having an internal bore for receiving the bolt used for mounting the footboard bracket to the frame of the motorcycle;

the rod positioned to extend longitudinally in the fore-and-aft directions;

the rod having a bent aft portion bent away from the motorcycle in a lateral direction substantially orthogonal to the fore-and-aft direction; and

the bent aft portion positioned directly aft of the footboard.

12. (previously presented) A protector according to claim 11 wherein the rod further includes a bent fore portion bent toward the motorcycle.

13. (previously presented) A motorcycle and exhaust pipe protector for a user of a motorcycle comprising:

a motorcycle which is movable in a fore-and-aft direction;

the motorcycle having a frame;

a user foot peg extending in a lateral direction away from the motorcycle;

a foot peg mounting bracket secured to the frame of the motorcycle;

a bolt for mounting the foot peg to the foot peg mounting bracket;

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an engine exhaust pipe on said motorcycle extending adjacent the foot peg for extending in the aft direction behind the foot peg;

an elongate rod having a longitudinal axis;

a protector bracket for mounting the elongate rod to the foot peg bracket;

the protector bracket having a bore therethrough for receiving the bolt mounting the foot peg to the foot peg bracket and further having a second bore for receiving one end of the elongate rod;

the elongate rod positioned with a forward end located in the second bore;

the protector bracket further having a set screw for frictionally engaging the elongate rod to secure the elongate rod at a selected rotated position within the second hole;

the rod having a bent fore portion bent back on itself in a vertical direction and extending in the aft direction; and

the elongate rod located at a position between the foot peg and the motorcycle, and at an elevation above the foot peg.

14. (previously presented) The protector according to claim 13 wherein the rod further includes a bent aft portion bent toward the motorcycle.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matt Luby whose telephone number is (571) 272-6648.

The examiner can normally be reached on Monday-Friday, 9:30 a.m. to 6:00 p.m..


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (571) 272-6612. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Matt Luby
Examiner
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ml
July 14, 2005


LESLEY D. MORRIS
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